# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

DEMETRIUS WEBB,	)
Plaintiff,	)
	) Case No:
v.	) 2:23-cv-01098-RDP
	) ) JURY TRIAL DEMANDED
CITY OF HOMEWOOD,	)
ALABAMA, CHIEF NICHOLAS HILL	)
In His Individual Capacity,	)
	)
Defendants.	)

## PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Plaintiff **Demetrius Webb** files this response in Opposition to the Motion for Summary Judgment by Defendants **City Of Homewood, Alabama** ("Homewood") and **Chief Nicholas Hill, in his individual capacity,** ("Chief Hill" or "Hill") (collectively "Defendants") (Doc. 33):

This is an employment discrimination case brought by Demetrius Webb, a Black man, who alleges under 42 U.S.C.A. § 2000e-2(m) that his race was a motivating factor in Homewood's failure to promote him to the senior-level position of Battalion Chief in the Fire Department. Webb also asserts a claim that Chief Hill in his individual capacity retaliated against him in the aftermath of his filing a charge of discrimination with the Equal Employment Opportunity Commission by removing him from active duty status and transferring him to an administrative position, in violation of 42 U.S.C.A. §§ 1981 and 1983.

Webb contends that there are material disputes of fact as to each of his claims. He has created a reasonable inference that the reasons proffered by Homewood for his non-selection for two open positions for Battalion Chief in 2020 were partly racially motivated based on the disparity in objective qualifications between Webb and two white candidates with substantially less experience, and the evidence that Homewood's justifications were pretextual. In addition, Webb has established that his removal from active duty by Chief Hill was an adverse action and that the underlying reasons were retaliatory.

Webb submits as support for his opposition to summary judgment the evidentiary submissions at Doc. 37 and the Memorandum Brief at Document 38. For all the aforementioned reasons, the motion for summary judgment is due to be denied.

Submitted, the 24th day of June, 2024.

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### **Attorney for Plaintiff Demetrius Webb**

#### **CERTIFICATE OF SERVICE**

The undersigned counsel certifies that on June 24, 2024, Plaintiff's Response in Opposition to Defendants' Motion for Summary Judgment was served electronically through the Court's CM/ECF filing system upon the attorneys of record for Defendants City of Homewood and Chief Nicholas Hill, listed below:

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